

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

18 FEB 2005

525,107
PCT/FR2003/002560



Applicant's or agent's file reference R 02121	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002560	International filing date (day/month/year) 21 août 2003 (21.08.2003)	Priority date (day/month/year) 30 août 2002 (30.08.2002)
International Patent Classification (IPC) or national classification and IPC B01J 2/04		
Applicant RHODIA CHIMIE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17 mars 2004 (17.03.2004)	Date of completion of this report 17 January 2005 (17.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages _____ 1-18 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-37 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-37	YES
	Claims		NO
Inventive step (IS)	Claims	1-37	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-37	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: FR-A-2 767 071;

D2: GB-A-1 113 613.

2. Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (example 1) a silica produced by spray-drying a suspension of precipitated silica, from which the subject matter of claim 1 differs in that the suspension of precipitated silica also contains a phosphate selected from phosphates of the elements in groups Ia or IIa of the periodic classification of elements and rare earth phosphates.

It follows that the subject matter of claim 1 is novel (PCT Article 33(2)).

The compound produced by adding such a phosphate to the silica suspension is denser than the precipitated silica in the prior art. Said compound also has improved fluidity and enhanced attrition resistance while, nevertheless, having nutritional properties.

As a result, the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).

- 2.1 Document D2 describes (claims 1 and 8) a compound based on an alkaline earth metal silicate and an alkaline earth metal phosphate, which compound is produced from the same solution by means of precipitation and is then washed and dried. The subject matter of claim 1 differs from said compound in that a precipitated silica rather than an alkaline earth metal silicate is used as a reagent and in that a spray-drying step is used.

The subject matter of claim 1 is, therefore, novel over D2.

The spray-drying step produces solid beads that are substantially spherical and have good attrition resistance.

It follows that the subject matter of claim 1 involves an inventive step with respect to D2.

- 2.2 Claims 2-27 are dependent on claim 1 and therefore also fulfil, as such, the PCT requirements of novelty and inventive step.
- 2.3 Similarly, independent claims 28, 32, 35 and 36 (and claims 29-31, 33-34 and 37, which are dependent thereon) relate to a packaged composition including a carrier consisting of the compound as per claim 1, and the use of said compound as a liquid carrier, an anti-caking agent or as an agent for assisting in the liquid spraying method, the solid grinding

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method or in the pellet and/or tablet making operations. Said claims also fulfil the PCT requirements of novelty and inventive step.